

By Shuman

S.B. No. 759

A BILL TO BE ENTITLED

AN ACT

amending Chapter 5, Water Code, by adding Section 5.1211 to the Water Code, providing that holders of permits, certified filings, and certificates of adjudication <sup>shall</sup> to obtain authority from the Texas Water Rights Commission to change or alter a water right; providing that the Texas Water Rights Commission shall promulgate rules; providing for repeal of inconsistent Acts; and declaring an emergency. *No effect provisions of this Act*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 5, Water Code, is amended by adding Section 5.1211 to read as follows:

"Sec. 5.1211. AMENDMENTS TO WATER RIGHTS REQUIRED. (a) All holders of permits, certified filings, and certificates of adjudication issued under Section 5.323 of this code shall obtain from the commission authority to change the place of use, purpose of use, diversion point or rates, acreage to be irrigated, or otherwise alter a water right.

"(b) The commission shall adopt rules to effectuate the provisions of this section."

Sec. 2. Any law or laws of this state which are inconsistent with this Act are hereby expressly repealed; however, this Act is meant to be cumulative of existing laws and is meant to be reconciled with existing laws where possible.

Sec. 3. The fact that a recent court decision has limited

1 the power of the Texas Water Rights Commission to supervise and  
2 regulate all holders of water rights in a similar manner which  
3 is in conflict with the intent of previous Acts of the legislature,  
4 and because the holding in Clark v. Briscoe, 200 S.W.2d 674 (Tex.  
5 Civ. App., 1947), has been ignored and impaired, and because of  
6 the potential power to change water rights without continuing  
7 supervision of the state through the Texas Water Rights Commission  
8 severely affects the statutory power of the commission to regulate,  
9 cancel, and administer the Water Rights Adjudication Act, create  
10 an emergency and an imperative public necessity that the  
11 constitutional rule requiring bills to be read on three several  
12 days in each house be suspended, and this rule is hereby suspended,  
13 and that this Act take effect and be in force from and after its  
14 passage, and it is so enacted.

1 By: Sherman

S.B. No. 959

2 (In the Senate - May 1, 1973, read first time and referred  
3 to Committee on Natural Resources; May 10, 1973, reported  
4 favorably; May 10, 1973, sent to printer.)

5 *To effectuate*  
*provisions of*  
*this Act;* A BILL TO BE ENTITLED  
6 AN ACT *shall -*

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43 passage, and it is so enacted.

44 \* \* \* \* \*

45 Austin, Texas  
46 May 9, 1973

47 Hon. William P. Hobby  
48 President of the Senate

49 Sir:

50 We, your Committee on Natural Resources, to which was referred  
51 S.B. No. 959, have had the same under consideration, and I am  
52 instructed to report it back to the Senate with the recommendation  
53 that it do pass and be printed.

54 Sherman, Chairman

Austin, Texas

May 9, 19 73

Honorable William P. Hobby  
President of the Senate

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to which was referred S. B. No. 959, have had the same  
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the Senate with the recommendation that it do \_\_\_\_\_  
pass \_\_\_\_\_ and be \_\_\_\_\_ printed.

  
Chairman

CAS

A

S.B. 959

By: Sherman

(As reported by  
Natural Resources  
Committee)

BILL ANALYSIS

Sec. 1 - Amends Chapter 5 of the Water Code by adding Sec. 5.1211.

Sec. 5.1211 (a) All holders of permits, certified filings and certificates of adjudication issued under this code shall obtain authority from the Commission to alter a water right.

(b) Commission to make rules and regulations for this provision.

Sec. 2 - Repealer Clause.

Sec. 3 - Emergency Clause.

May 17 1933  
Mildred

By: Sherman

S.B. No. 959

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13 passage, and it is so enacted.

FORM A

COMMITTEE REPORT

Date 5/21/13

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.


Sir:

We, your Committee on Natural Resources, to whom was  
referred S. B. No. 959, have had the same under consideration  
and beg to report back with recommendation that it <sup>do</sup> ~~(do not)~~ pass.

The Committee recommends that this measure be considered for the <sup>Local</sup> (Consent ) Calendar. Record Vote <sup>Yes</sup> (Yes )  
House sponsor of Senate measure: Messing

The measure was reported from Committee by the following record vote:

17 ayes  
       nays  
       present, not voting  
6 absent

  
Chairman

This measure proposes new law.



S.B. 959

By: Sherman  
House sponsor: Massey

Committee on Natural Resources

## BILL ANALYSIS

### Background Information:

It is believed that holders of permits, certified filings, and certificates of adjudication should not be able to change the place of use, purpose of use, diversion point or rates, acreage to be irrigated, or otherwise alter a water right without the Texas Water Rights Commission's authorizing the change.

### What this Bill Proposes To Do:

S.B. 959 requires authorization by the Texas Water Rights Commission before the above changes may be made. Provides that the Commission shall adopt rules to effectuate the Act.

### Section by Section Analysis:

Section 1. (a) Requires holders of permits, certified filings and certificates of adjudication to receive authorization from the Texas Water Rights Commission before changing the place of use, the purpose of use, the diversion point or rates, or acreage to be irrigated, or otherwise altering a water right.

(b) Requires the Commission to adopt rules to effectuate the Act.

Section 2. Provides for repeal of laws that are conflicting and for reconciliation with laws when possible.

Section 3. Emergency Clause.

### SUMMARY ON COMMITTEE ACTION:

Notice having been posted May 15, 1973, the Committee on Natural Resources considered S.B. 959. It was moved and seconded that S.B. 959 be sent back to the House with the recommendation that it do pass and be placed on the consent calendar.

The motion was adopted by the following votes: 17 ayes, 0 nays, 0 present not voting, and 7 absent. The measure proposes new law.

AN ACT amending Chapter 5, Water Code, by adding Section 5.1211 to the Water Code, providing that holders of permits, certified filings, and certificates of adjudication to obtain authority from the Texas Water Rights Commission to change or alter a water right; . . . ; and declaring an emergency.

Filed with the Secretary of the Senate

**MAY 1 1973** Read, referred to Committee on **NATURAL RESOURCES**

**MAY 10 1973** Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by  
 { unanimous consent.  
 \_\_\_\_\_ years, \_\_\_\_\_ days.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ years, \_\_\_\_\_ days.

**MAY 17 1973** Read second time and { ordered engrossed.  
~~passed to third reading.~~

Caption ordered amended to conform to body of bill.

**MAY 17 1973** Senate and Constitutional 3-Day Rules suspended by vote of  
31 years, 0 days to place bill on third reading and final passage.

**MAY 17 1973** Read third time and passed by { ~~unanimous vote~~  
31 years, 0 days.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

Received from  
the Senate

Jeremy Hallman  
Chief Clerk, House of Representatives

READ FIRST TIME

AND REFERRED TO COMMITTEE ON

Natural Resources

Jeremy Hallman  
Chief Clerk, House of Representatives

**MAY 21 1973**

**REPORTED FAVORABLY SENT TO PRINTER**

Engrossed

**MAY 17 1973** Sent to HOUSE

ENGROSSING CLERK